JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, MARCH 3, 2009 (STATEWIDE SESSION)

Tuesday, March 3, 2009 (Statewide Session)

Indicates Matter Stricken Indicates New Matter

The House assembled at 2:00 p.m.

Deliberations were opened with prayer by Representative J. R. SMITH, as follows:

Our thought for today is from Isaiah 6:8: "Also I heard the voice of the Lord, saying, Whom shall I send, and who will go for us? Then said I, Here am I; send me."

Let us pray. All wise and generous Lord, may we listen to Your voice today. Whom shall I send? We are here to serve our State, our people, and our nation. Listen, there is hope for us today. Listen, there is hope forever. Listen for hope of a better tomorrow, hope for eternity. Hear us, O Lord, as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Friday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. LIMEHOUSE moved that when the House adjourns, it adjourn in memory of Milton Adams of Charleston, which was agreed to.

CONFIRMATION OF APPOINTMENT

The following was received:

State of South Carolina Office of the Governor

Columbia, S.C., February 25, 2009

Mr. Speaker and Members of the House of Representatives:

I am transmitting herewith a reappointment for confirmation. This appointment is made with advice and consent of the General Assembly and is, therefore, submitted for your consideration.

Local Appointment

York County Master-in Equity Term Commencing: June 30, 2009 Term Expiring: June 30, 2015 Seat: Master-in-Equity

Reappointment The Honorable S. Jackson Kimball III 2153 Mingus Lane York, South Carolina 29745

Respectfully, Mark Sanford Governor

The appointment was confirmed and a message was ordered sent to the Senate accordingly.

REPORT OF STANDING COMMITTEE

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3581 -- Rep. Cooper: A JOINT RESOLUTION TO FURTHER PROVIDE FOR FISCAL YEAR 2009-2010 FOR THE FUNCTIONS AND FUNDING OF CERTAIN LOCAL GOVERNMENT MATTERS.

Ordered for consideration tomorrow.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3560 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Without Reference

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

Without Reference

H. 3641 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 16-25-70, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LAW ENFORCEMENT'S AUTHORITY AND RESPONSIBILITIES WITH REGARD TO ARRESTS IN AND INVESTIGATIONS OF CRIMINAL DOMESTIC VIOLENCE, SO AS TO REQUIRE THE INVESTIGATING AGENCY TO DOCUMENT THE INVESTIGATION AND TO MAINTAIN THE INVESTIGATION REPORT.

Referred to Committee on Judiciary

H. 3642 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 16-25-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES, PENALTIES, AND PROSECUTION, SO AS TO PROVIDE THAT A JUDGE MAY PROCEED WITH THE PROSECUTION OF A CASE IF THE VICTIM IS NOT PRESENT AND TO PROVIDE THAT BEFORE DISMISSING A CASE, THE JUDGE SHALL MAKE WRITTEN FINDINGS AS TO WHETHER THE PROSECUTING OFFICIAL IS PREPARED TO PROSECUTE THE CASE AND THE TYPE OF EVIDENCE THAT WILL BE PRESENTED.

Referred to Committee on Judiciary

H. 3643 -- Rep. Cobb-Hunter: A BILL TO AMEND THE CODE OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-1030 SO AS TO ESTABLISH THE CRIMINAL FELONY OFFENSE OF STRANGULATION AND THE CRIMINAL FELONY OFFENSE OF SMOTHERING AND TO PROVIDE PENALTIES; TO AMEND SECTION 16-25-65, AS AMENDED, RELATING TO THE OFFENSE OF CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO PROVIDE THAT STRANGULATION AND SMOTHERING ARE BOTH CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED

NATURE AND TO DEFINE SERIOUS BODILY INJURY AND PETECHIA.

Referred to Committee on Judiciary

H. 3645 -- Reps. T. R. Young, Merrill, Hardwick, J. R. Smith, D. C. Smith, Haley, Erickson, Stringer, Stewart, G. R. Smith, Harrison, Gullick, Nanney, Cato, Huggins, Crawford, Spires, Allison, Ballentine, Bannister, Bedingfield, Bingham, Clyburn, Cole, Forrester, Hamilton, Harrell, Hearn, Herbkersman, Horne, Hosey, King, Limehouse, Long, Millwood, Parker, E. H. Pitts, Sandifer, Scott, Sellers, Simrill, Sottile, Toole, White, Wylie and A. D. Young: A BILL TO AMEND SECTION 56-1-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS TO WHOM THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE A DRIVER'S LICENSE OR PERMIT, SO AS TO PROVIDE THAT A DRIVER'S LICENSE MAY NOT BE ISSUED TO A PERSON WHO IS UNDER EIGHTEEN YEARS OLD OR A PERSON WHO HOLDS A CONDITIONAL DRIVER'S LICENSE; TO AMEND SECTION 56-1-176, RELATING TO SCHOOL ATTENDANCE CONDITIONS ASSOCIATED WITH THE **ISSUANCE** OF CONDITIONAL AND SPECIAL RESTRICTED DRIVER'S LICENSES, TO PROVIDE THAT THESE AND ADDITIONAL CONDITIONS SHALL APPLY TO THE ISSUANCE OR REINSTATEMENT OF A BEGINNER'S PERMIT, CONDITIONAL DRIVER'S LICENSE, SPECIAL RESTRICTED DRIVER'S LICENSE, AND A REGULAR DRIVER'S LICENSE ISSUED TO A PERSON LESS THAN EIGHTEEN YEARS OF AGE, TO PROVIDE FOR THE SUSPENSION OF A PERSON'S PERMIT OR LICENSE IF HE FAILS TO COMPLY WITH THESE CONDITIONS, AND TO REQUIRE THAT THE SUSPENSION REMAIN IN **EFFECT** UNTIL THE **PERSON** DEMONSTRATED COMPLIANCE WITH THESE CONDITIONS FOR ONE FULL SEMESTER SUBSEQUENT TO THE SEMESTER DURING WHICH HIS PERMIT OR LICENSE WAS SUSPENDED; BY ADDING SECTION 56-1-177 SO AS TO PROVIDE THAT A MINOR'S PRIVILEGE TO DRIVE MUST BE SUSPENDED UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE REINSTATEMENT OF A DRIVER'S LICENSE THAT HAS BEEN SUSPENDED; TO AMEND SECTION 56-1-180, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO INCREASE THE MAXIMUM AGE OF A PERSON WHO MAY

BE ISSUED THIS DRIVER'S LICENSE; TO AMEND SECTION 59-65-10, RELATING TO COMPULSORY SCHOOL ATTENDANCE, SO AS TO PROVIDE THAT A CHILD MUST ATTEND SCHOOL UNTIL HE ATTAINS THE AGE OF EIGHTEEN; TO AMEND SECTION 63-19-20, RELATING TO DEFINITIONS OF THE CHILDREN'S CODE, SO AS TO DEFINE "CHILD" FOR THE PURPOSE OF TRUANCY AS A PERSON WHO IS LESS THAN EIGHTEEN YEARS OF AGE; TO AMEND SECTION 63-19-1030, RELATING TO PREHEARING INQUIRY AND INVESTIGATION IN PROCEEDINGS AGAINST A CHILD, SO AS TO SPECIFY HOW COURT DOCUMENTS FOR TRUANCY PETITIONS MUST BE TITLED: TO AMEND SECTION 63-19-1420. RELATING TO SUSPENSION OR RESTRICTION OF A CHILD'S DRIVER'S LICENSE, SO AS TO PROVIDE THAT A COURT MAY RESTRICT THE DRIVER'S LICENSE OF A CHILD WHO IS ADJUDICATED DELINQUENT FOR TRUANCY; AND TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF A CHILD, SO AS TO PROVIDE THAT A CHILD MAY BE COMMITTED FOR A VIOLATION OF A COURT ORDER TO ATTEND SCHOOL PRIOR TO THE CHILD'S EIGHTEENTH BIRTHDAY.

Referred to Committee on Education and Public Works

H. 3648 -- Rep. Crawford: A BILL TO AMEND SECTION 44-63-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BIRTH CERTIFICATES FOR ADOPTED CHILDREN OR ADULTS INCLUDING FOREIGN ADOPTIONS, SO AS TO DELETE THE PROVISION REQUIRING A STATEMENT ON A CERTIFICATE OF FOREIGN BIRTH THAT THE CERTIFICATE IS NOT EVIDENCE OF UNITED STATES CITIZENSHIP.

Referred to Committee on Judiciary

H. 3649 -- Reps. Hiott, Rice, Skelton and Owens: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON MARCH 2, 2009, BY THE STUDENTS OF THE SCHOOL DISTRICT OF PICKENS COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Rep. RICE, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

5

H. 3650 -- Rep. Gullick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-380 SO AS TO PROVIDE THAT THE OPTIONAL ALCOHOL EXCLUSION PROVISION CONTAINED IN CERTAIN INSURANCE POLICIES THAT REQUIRE THE REPLICATION OF EXACT LANGUAGE AS PROVIDED IN SECTION 38-71-370 DOES NOT APPLY TO A MEDICAL EXPENSE POLICY, AND TO DEFINE MEDICAL EXPENSE POLICY.

Referred to Committee on Labor, Commerce and Industry

H. 3651 -- Reps. Duncan, Umphlett, Anthony, Knight and Forrester: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-23-205 SO AS TO LIMIT THE AUTHORITY OF COUNTIES AND MUNICIPALITIES RESTRICT OR REGULATE CERTAIN TO **FORESTRY** ACTIVITIES. AND TO PROVIDE THE TERMS CONDITIONS OF CERTAIN PERMITTED REGULATIONS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3652 -- Reps. Duncan, Clemmons, Agnew, Cooper, Gambrell, M. A. Pitts, Umphlett, Viers and White: A BILL TO AMEND SECTION 23-31-205, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NAME OF THE ACT THAT ALLOWS THE STATE LAW ENFORCEMENT DIVISION TO ISSUE CONCEALED WEAPON PERMITS, SO AS TO CHANGE THE NAME OF THE ACT FROM THE "LAW ABIDING CITIZENS SELF-DEFENSE ACT OF 1996" TO THE "SOUTH CAROLINA WELL-REGULATED MILITIA ACT".

Referred to Committee on Judiciary

H. 3653 -- Rep. McLeod: A JOINT RESOLUTION TO DELAY IMPLEMENTATION OF THE PROVISIONS OF ACT 270 OF 2008, RELATING TO THE REQUIREMENT THAT MUNICIPAL COURT JURY LISTS INCLUDE OTHERWISE QUALIFIED RESIDENTS OF THE MUNICIPALITY WHO HOLD A VALID SOUTH CAROLINA DRIVER'S LICENSE OR IDENTIFICATION CARD, SO AS TO POSTPONE THIS EXPANSION OF THE MUNICIPAL COURT JURY LIST UNTIL DECEMBER 31, 2009.

Referred to Committee on Judiciary

H. 3654 -- Reps. Scott, Erickson, Daning, Dillard, Hamilton, Herbkersman, Horne and A. D. Young: A BILL TO AMEND SECTION 8-15-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ANNUAL STATE SALARY SUPPLEMENTS FOR COUNTY GOVERNMENT OFFICIALS, SO AS TO PROVIDE THOSE CIRCUMSTANCES WHEN THE OFFICE BUDGETS FOR THESE OFFICIALS MAY BE REDUCED BY THE GOVERNING BODY OF THE COUNTY WITHOUT RESULTING IN A REDUCTION IN FUNDS DISTRIBUTED TO THE COUNTY PURSUANT TO THE STATE AID TO SUBDIVISIONS ACT.

Referred to Committee on Ways and Means

S. 442 -- Senators Ryberg and Massey: A BILL TO AMEND ACT 503 OF 1982, AS AMENDED, RELATING TO THE AIKEN COUNTY SCHOOL DISTRICT AND THE AIKEN COUNTY BOARD OF EDUCATION, SO AS TO REVISE THE BOARD'S AUTHORITY WITH REGARD TO ADMINISTRATIVE AREA OFFICES AND AREA ADVISORY COUNCILS.

Referred to Aiken Delegation

S. 473 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, RELATING TO THE SUMTER COUNTY CONSOLIDATED SCHOOL DISTRICT, SO AS TO PROVIDE THAT A MEMBER OF THE SUMTER CONSOLIDATION TRANSITION COMMITTEE WHO HAS BEEN DISMISSED, SUSPENDED FROM HIS POSITION, OR DEMOTED, OR RECEIVES ANY DIRECT OR INDIRECT THREATS IN CONNECTION WITH HIS DECISIONS OR ACTIONS ON BEHALF OF THE COMMITTEE MAY INSTITUTE A NONJURY CIVIL ACTION AGAINST SUMTER SCHOOL DISTRICT 2 OR SUMTER SCHOOL DISTRICT 17 OR THEIR SUCCESSORS FOR CERTAIN DAMAGES.

On motion of Rep. G. M. SMITH, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

CONCURRENT RESOLUTION

On motion of Rep. DELLENEY, with unanimous consent, the following was taken up for immediate consideration:

H. 3644 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MARCH 25, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A

CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

Be it resolved by the House of Representatives, the Senate concurring:

That the House of Representatives and the Senate shall meet in joint assembly in the hall of the House of Representatives Wednesday, March 25, 2009, at noon to elect a successor to the Honorable Kenneth G. Goode, Judge of the Circuit Court, at-large, Seat 8, whose term expires June 30, 2009.

Be it further resolved that all nominations must be made by the Chairman of the Judicial Merit Selection Commission and that no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

HOUSE RESOLUTION

On motion of Rep. RUTHERFORD, with unanimous consent, the following was taken up for immediate consideration:

H. 3646 -- Rep. Rutherford: A HOUSE RESOLUTION TO DECLARE WEDNESDAY, MARCH 4, 2009, AS "ETIQUETTE DAY IN SOUTH CAROLINA" AND TO COMMEND THE UNIVERSITY OF SOUTH CAROLINA'S EDUCATIONAL TALENT SEARCH PROGRAM AND ITS PARTICIPANTS FOR THEIR OUTSTANDING ACHIEVEMENTS AND PROGRESS IN BECOMING PRODUCTIVE CITIZENS.

Whereas, the Educational Talent Search Program at the University of South Carolina encourages middle school and high school students to complete their secondary education and to pursue completion of postsecondary degrees; and

Whereas, the Educational Talent Search Program serves to prepare students of tomorrow with skills and knowledge that will enable them to become productive and contributing members of society; and

Whereas, a key component of student success is the use of etiquette and decorum that allows students to respond appropriately in familiar and unfamiliar situations and helps them build self-confidence and selfesteem; and

Whereas, the eighth-grade curriculum focuses on etiquette during the month of February and culminates with an etiquette luncheon on Wednesday, March 4, 2009, designed to provide students an opportunity to implement what they have learned in a practical setting; and

Whereas, the lessons learned by these students are lessons all South Carolinians would benefit from learning. Now, therefore,

Be it resolved by the House of Representatives:

That the South Carolina House of Representatives, by this resolution, declares Wednesday, March 4, 2009, as "Etiquette Day in South Carolina" and commends the University of South Carolina's Educational Talent Search Program and its participants for their outstanding achievements and progress in becoming productive citizens.

Be it further resolved that a copy of this resolution be forwarded to Dr. Paul L. Beasley, director of the TRIO Program at the University of South Carolina.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3647 -- Reps. Bales, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings,

Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE **AND COMMEND BETTY JEAN** ULMER MCGREGOR, OF RICHLAND COUNTY, EXTRAORDINARY MOTHER OF FIVE CHILDREN, AND TO CONGRATULATE HER UPON THE OCCASION OF BEING NAMED 2009 SOUTH CAROLINA MOTHER OF THE YEAR.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 508 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE MARTHA HELEN KENNEDY, OF LEXINGTON COUNTY, ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF HEALTH AND HAPPINESS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The following was taken up for immediate consideration:

S. 514 -- Senators McConnell, Ford and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MARCH 25, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

Be it resolved by the Senate, the House of Representatives concurring:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives Wednesday, March 25, 2009, at Noon to elect a successor to the Honorable Kenneth G. Goode, Judge of the Circuit Court, At-Large, Seat 8, whose term expires June 30, 2009.

Be it further resolved that all nominations must be made by the Chairman of the Judicial Merit Selection Commission and that no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Alexander Allison Allen Anderson Anthony Bales Bannister Barfield Ballentine Bingham Battle Bowen Branham Brantley G. A. Brown R. L. Brown H. B. Brown Chalk Clemmons Clyburn Cobb-Hunter Cole Cooper Crawford Delleney Daning Dillard Duncan Edge Erickson Forrester Frye Funderburk Gambrell Gullick Gunn

[HJ] ₁₁

Hamilton Hardwick Haley Harrell Harrison Hart Harvin Hayes Hearn Herbkersman Hiott Hodges Horne Hosey Howard Hutto Jefferson Huggins Kelly Kennedy King Limehouse Littlejohn Loftis Lowe Long Lucas McEachern McLeod Merrill Miller Millwood Mitchell J. H. Neal Moss Nannev J. M. Neal Neilson Ott Owens Parker **Parks** Pinson E. H. Pitts M. A. Pitts Rice Sandifer Scott Simrill Sellers Skelton D. C. Smith G. M. Smith G. R. Smith J. E. Smith J. R. Smith Sottile Spires Stavrinakis Stewart Stringer Thompson Toole Umphlett Viers Weeks White Whitmire Williams Willis Wylie T. R. Young

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, March 3.

Paul Agnew William Bowers
Joan Brady Wendell Gilliard
Jerry Govan David Mack
Annette Young Ted Vick

Jackson "Seth" Whipper

Total Present--117

LEAVE OF ABSENCE

The SPEAKER granted Rep. BEDINGFIELD a leave of absence for the week.

LEAVE OF ABSENCE

The SPEAKER granted Rep. CATO a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. KNIGHT a leave of absence for today due to illness.

LEAVE OF ABSENCE

The SPEAKER granted Rep. KIRSH a leave of absence due to a death in the family.

DOCTOR OF THE DAY

Announcement was made that Dr. March Seabrook of West Columbia was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3063 Date: ADD:

03/03/09 JEFFERSON

CO-SPONSOR ADDED

Bill Number: H. 3303 Date: ADD: 03/03/09 DANING

CO-SPONSOR ADDED

Bill Number: H. 3372 Date: ADD: 03/03/09 J. E. SMITH

CO-SPONSOR ADDED

Bill Number: H. 3540 Date: ADD: 03/03/09 ALLISON

CO-SPONSOR ADDED

Bill Number: H. 3600 Date: ADD: 03/03/09 KING

CO-SPONSOR REMOVED

Bill Number: H. 3566 Date: REMOVE: 03/03/09 GAMBRELL

CO-SPONSOR REMOVED

Bill Number: H. 3303 Date: REMOVE: 03/03/09 BRANHAM

RECORD FOR VOTING

I had requested a temporary leave of absence because of a meeting with the Macedonia V.F.D. If I had been present for the vote on H. 3042, I would have voted in favor of this Bill.

Rep. Dennis Moss

RECORD FOR VOTING

I had requested a temporary leave of absence because of a meeting with the Macedonia V.F.D. If I had been present for the vote on H. 3247, I would have voted in favor of this Bill.

Rep. Dennis Moss

RECORD FOR VOTING

I had requested a temporary leave of absence because of a meeting with the Macedonia V.F.D. If I had been present for the vote on H. 3565, I would have voted in favor of this Bill.

Rep. Dennis Moss

RECORD FOR VOTING

I had requested a temporary leave of absence because of a meeting with the Macedonia V.F.D. If I had been present for the vote on H. 3121, I would have voted in favor of this Bill.

Rep. Dennis Moss

RECORD FOR VOTING

I had requested a temporary leave of absence because of a meeting with the Macedonia V.F.D. If I had been present for the vote on H. 3179, I would have voted in favor of this Bill.

Rep. Dennis Moss

H. 3270--DEBATE ADJOURNED

The following Bill was taken up:

H. 3270 -- Reps. Duncan, Hodges, Allison, Parker, Weeks, Wylie and Whipper: A BILL TO AMEND SECTION 44-2-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF UNDERGROUND STORAGE TANKS, SO AS TO ESTABLISH NEW ANNUAL RENEWAL FEES AND TO REQUIRE THAT THE ADDITIONAL REVENUE GENERATED FROM THE TANK FEE INCREASES BE DEPOSITED INTO THE SUPERB ACCOUNT.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20133CM09):

Amend the bill, as and if amended, by striking Section 44-2-60(A) of the 1976 Code, as contained in SECTION 1, and inserting:

/ (A) The owner or operator of an underground storage tank which stores or is intended to store a regulated substance shall register the tank with the department. The owner or operator of the tank shall display a registration certificate listing all registered tanks at a facility and in plain view in the office or the kiosk of the facility where the tanks are registered. Upon application for a registration certificate, the

owner or operator shall pay to the department an initial registration fee of one hundred dollars a tank; however, the department may prorate the initial registration fees on a daily basis for underground storage tanks installed on or after July 1, 1997. The owner or operator shall pay to the department an annual renewal fee of one hundred dollars a tank a year. Beginning January 1, 2010, the annual renewal fee for each tank will be as follows:

- (1) 2010 two hundred dollars;
- (2) 2011 three hundred dollars;
- (3) 2012 four hundred dollars; and
- (4) 2013 five hundred dollars.

The additional revenue generated from the tank fee increases listed above must be deposited into the SUPERB account. No portion of the increases may be used by the department for administration of the program.

When the SUPERB account is credited with an additional thirtysix million dollars from the increase in tank fees, general appropriations, settlements, or other sources of funds, or declared insolvent, the tank registration fee shall revert to one hundred dollars annually for each tank beginning January first of the next year.

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

Rep. HIOTT moved to adjourn debate on the Bill, which was adopted.

ORDERED TO THIRD READING

The following Bills were taken up, read the second time, and ordered to a third reading:

H. 3616 -- Rep. Simrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE FOR THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS, AND TO PROVIDE FOR ITS POWERS AND DUTIES.

H. 3627 -- Reps. Miller and Anderson: A BILL TO AMEND SECTION 59-67-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF BOATS OPERATED BY THE

STATE DEPARTMENT OF EDUCATION FOR THE TRANSPORTATION OF SCHOOL CHILDREN FROM ISLANDS TO MAINLAND SCHOOLS BY CERTAIN OTHER PERSONS, SO AS TO FURTHER PROVIDE FOR THE OPERATION OF THESE BOATS BY THE DEPARTMENT ON SANDY ISLAND, FOR USE OF THESE BOATS BY SPECIFIED PERSONS, AND THE PROCEDURES APPLICABLE FOR USE.

H. 3067--SENT TO THE SENATE

The following Bill was taken up:

H. 3067 -- Reps. Clemmons, Brady, M. A. Pitts, Merrill, Wylie, Bingham, Viers, Harrell, Owens, Nanney and Bedingfield: A BILL TO AMEND SECTION 7-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; AND TO AMEND SECTION 7-13-320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE'S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE.

Rep. WEEKS demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 41

Those who voted in the affirmative are:

Allison Anthony Ballentine Barfield Bannister Bingham Bowen Brady Chalk Clemmons Cole Cooper Delleney Crawford **Daning** Duncan Edge Erickson Gambrell Gullick Frye Haley Hamilton Hardwick Harrell Harrison Hearn Herbkersman Hiott Horne Kelly Limehouse Huggins

Littlejohn Loftis Long Lowe Lucas Merrill Millwood Moss Nanney Owens Parker Pinson E. H. Pitts M. A. Pitts Rice Simrill Sandifer Scott Skelton D. C. Smith G. M. Smith G. R. Smith J. R. Smith Sottile Spires Stavrinakis Stewart Stringer Thompson Toole Umphlett Viers White Whitmire Willis Wylie

A. D. Young T. R. Young

Total--71

Those who voted in the negative are:

Agnew Alexander Allen Anderson Bales Battle **Bowers** Branham Brantley G. A. Brown H. B. Brown Clyburn Cobb-Hunter Dillard Funderburk Govan Gunn Hart Harvin Hayes Hodges Hutto Jefferson Hosey Kennedy King Mack McEachern McLeod Miller J. H. Neal Mitchell Neilson Rutherford Ott **Parks** J. E. Smith Sellers Vick Weeks Williams

Total--41

So, the Bill, as amended, was read the third time and ordered sent to the Senate.

RECORD FOR VOTING

My electronic voting card failed to work properly when the House voted upon the passage H. 3067. I would have voted in favor of giving third reading to the Bill.

Rep. Mike Forrester

H. 3418--SENT TO THE SENATE

The following Bill was taken up:

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman. Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESENTATION OF A PERSON'S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE THE ELECTOR TO PRODUCE A VALID PHOTO IDENTIFICATION CARD AT THE TIME OF COSTING HIS BALLOT, TO REQUIRE A POLL MANAGER TO THE **PHOTOGRAPH** ON THE **REQUIRED** IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE.

Rep. WEEKS demanded the yeas and nays which were taken, resulting as follows:

Yeas 67; Nays 44

Those who voted in the affirmative are:

Allison Ballentine Barfield Bingham Brady Chalk Cole Cooper Daning Delleney Erickson Forrester Gambrell Gullick Hamilton Hardwick Harrison Hearn Horne Hiott Kelly Limehouse Loftis Long Merrill Lucas Nannev Owens Pinson E. H. Pitts Rice Sandifer

Clemmons
Crawford
Duncan
Frye
Haley
Harrell
Herbkersman
Huggins
Littlejohn
Lowe
Millwood
Parker
M. A. Pitts

Scott

Bannister

Bowen

D. C. Smith Simrill Skelton G. M. Smith G. R. Smith J. R. Smith Spires Stewart Sottile Stringer Thompson Umphlett Viers White Whitmire Wylie A. D. Young Willis

T. R. Young

Total--67

Those who voted in the negative are:

Alexander Agnew Allen Anderson Anthony Bales Battle Branham Brantley G. A. Brown H. B. Brown R. L. Brown Clyburn Dillard Funderburk Govan Gunn Hart Harvin Hayes Hodges Howard Hutto Hosey Jefferson Kennedy King Mack McEachern McLeod Miller Mitchell Moss J. H. Neal Neilson Ott Parks Rutherford Sellers J. E. Smith Stavrinakis Vick Weeks Williams

Total--44

So, the Bill, as amended, was read the third time and ordered sent to the Senate.

RECURRENCE TO THE MORNING HOUR

Rep. HIOTT moved that the House recur to the morning hour, which was agreed to.

H. 3270--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3270 -- Reps. Duncan, Hodges, Allison, Parker, Weeks, Wylie and Whipper: A BILL TO AMEND SECTION 44-2-60, CODE OF

LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF UNDERGROUND STORAGE TANKS, SO AS TO ESTABLISH NEW ANNUAL RENEWAL FEES AND TO REQUIRE THAT THE ADDITIONAL REVENUE GENERATED FROM THE TANK FEE INCREASES BE DEPOSITED INTO THE SUPERB ACCOUNT.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20133CM09), which was adopted:

Amend the bill, as and if amended, by striking Section 44-2-60(A) of the 1976 Code, as contained in SECTION 1, and inserting:

- / (A) The owner or operator of an underground storage tank which stores or is intended to store a regulated substance shall register the tank with the department. The owner or operator of the tank shall display a registration certificate listing all registered tanks at a facility and in plain view in the office or the kiosk of the facility where the tanks are registered. Upon application for a registration certificate, the owner or operator shall pay to the department an initial registration fee of one hundred dollars a tank; however, the department may prorate the initial registration fees on a daily basis for underground storage tanks installed on or after July 1, 1997. The owner or operator shall pay to the department an annual renewal fee of one hundred dollars a tank a year. Beginning January 1, 2010, the annual renewal fee for each tank will be as follows:
 - (1) 2010 two hundred dollars;
 - (2) 2011 three hundred dollars;
 - (3) 2012 four hundred dollars; and
 - (4) 2013 five hundred dollars.

The additional revenue generated from the tank fee increases listed above must be deposited into the SUPERB account. No portion of the increases may be used by the department for administration of the program.

When the SUPERB account is credited with an additional thirty-six million dollars from the increase in tank fees, general appropriations, settlements, or other sources of funds, or declared insolvent, the tank registration fee shall revert to one hundred dollars annually for each tank beginning January first of the next year.

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 103; Nays 5

Those who voted in the affirmative are:

Agnew Alexander Allison Anderson Bales Ballentine Barfield Battle Bowen **Bowers** Branham Brantley H. B. Brown R. L. Brown Clemmons Clyburn Cole Cooper Daning Dillard Forrester Frye Govan Gambrell Gunn Hamilton Harrell Harrison Hearn Herbkersman Hodges Horne Huggins Hutto Kelly King Littlejohn Long Mack Lucas McLeod Miller Mitchell Moss J. M. Neal J. H. Neal Ott Owens **Parks** Pinson M. A. Pitts Rice Sandifer Scott D. C. Smith Skelton

Bingham Brady G. A. Brown Chalk Cobb-Hunter Crawford Duncan Funderburk Gullick Hardwick Harvin Hiott Hosey Jefferson Limehouse Lowe McEachern Millwood Nanney Neilson Parker E. H. Pitts Rutherford Sellers G. M. Smith Sottile Stringer Umphlett Weeks Williams

Allen

Anthony

Bannister

J. E. Smith

Thompson

Spires

Vick

White

J. R. Smith

Stewart

Whitmire

Toole

Viers

Willis Wylie A. D. Young

T. R. Young

Total--103

Those who voted in the negative are:

Erickson Haley Hayes

Simrill Stavrinakis

Total--5

So, the amendment was adopted.

The question then recurred to the passage of the Bill on second reading.

Rep. HIOTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 92; Nays 5

Those who voted in the affirmative are:

Alexander Allen Agnew Allison Anderson Anthony Bales Bannister Barfield Battle Bingham **Bowers** Brady Branham Brantley G. A. Brown H. B. Brown R. L. Brown Chalk Clyburn Cobb-Hunter Cole Cooper Crawford Daning Delleney Dillard Duncan Forrester Funderburk Gambrell Govan Hamilton Hardwick Harrell Harrison Harvin Hayes Hearn Hiott Hodges Horne Huggins Hosey Hutto Jefferson Kelly King Limehouse Littlejohn Long Lowe Lucas Mack McLeod Millwood McEachern Mitchell Moss Nanney

J. H. Neal J. M. Neal Neilson Owens Parker Ott E. H. Pitts Parks Pinson Rice Sandifer Scott Skelton D. C. Smith Sellers G. M. Smith G. R. Smith J. R. Smith Sottile Spires Stringer Toole Umphlett Thompson Viers White Vick Whitmire Williams Willis Wylie T. R. Young

Total--92

Those who voted in the negative are:

Erickson Haley Merrill

Simrill Stavrinakis

Total--5

So, the Bill, as amended, was read the second time and ordered to third reading.

H. 3508 - ADOPTED

The following House Resolution was taken up:

H. 3508 -- Reps. Barfield, Sandifer, Cato, Ott, Duncan, Pinson, Vick, Brantley, Lucas, Alexander, Erickson, Hardwick, Hiott, Moss, Haley, Jefferson, Allen, Bowen, Edge, Allison, Anthony, Bales, Ballentine, Bannister, Battle, Bowers, Brady, Branham, G. A. Brown, Clemmons, Cole, Cooper, Crawford, Daning, Delleney, Forrester, Gambrell, Gilliard, Gullick, Hamilton, Harrison, Haves, Herbkersman, Hodges, Horne, Hutto, Kelly, Knight, Littlejohn, Long, Lowe, Mack, Miller, Mitchell, Nanney, J. M. Neal, Neilson, Owens, Parker, E. H. Pitts, M. A. Pitts, Rice, Scott, D. C. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Spires, Toole, Umphlett, Viers, Weeks, White, Whitmire, Williams, Wylie, A. D. Young and T. R. Young: A HOUSE **MEMORIALIZING** THE RESOLUTION UNITED **STATES** CONGRESS TO ADDRESS THE ISSUE OF GLOBAL CLIMATE CHANGE THROUGH THE ADOPTION OF A FAIR AND EFFECTIVE APPROACH THAT SAFEGUARDS AMERICAN

JOBS, ENSURES AFFORDABLE ENERGY FOR CITIZENS, AND MAINTAINS AMERICA'S GLOBAL COMPETITIVENESS.

The Resolution was adopted.

MOTION PERIOD

The motion period was dispensed with on motion of Rep. LITTLEJOHN.

H. 3084--REJECTED

The following Bill was taken up:

H. 3084 -- Reps. Toole, Wylie and Hamilton: A BILL TO AMEND SECTION 57-3-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NAMING OF A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL, SO AS TO PROVIDE THAT UNLESS THE HIGHWAY FACILITY IS DEDICATED AND NAMED IN HONOR OF EITHER A SERVICEMAN OR LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY, PUBLIC FUNDS MAY NOT BE USED TO REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR THE EXPENSES IT INCURS TO NAME AND DEDICATE THE HIGHWAY FACILITY.

Rep. TOOLE explained the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 54; Nays 59

Those who voted in the affirmative are:

Agnew Allison Ballentine Bannister Barfield Bingham Bowen **Brady** Chalk **Daning** Cole Crawford Duncan Erickson Forrester Frve Funderburk Gambrell Gullick Gunn Haley Hardwick Hamilton Harrell Harrison Hart Hearn Huggins Kelly Littlejohn Long Lowe Miller

Millwood Moss Nanney Parker E. H. Pitts Owens M. A. Pitts Rice Sandifer Scott D. C. Smith G. R. Smith J. R. Smith **Spires** Stewart Toole Stringer Viers Willis Wylie T. R. Young

Total--54

Those who voted in the negative are:

Allen Alexander Anderson Anthony Bales Battle Branham Brantley G. A. Brown H. B. Brown R. L. Brown Clemmons Clyburn Cobb-Hunter Delleney Dillard Gilliard Govan Hayes Herbkersman Hiott Hodges Horne Hosey Howard Hutto Jefferson Kennedy King Limehouse Mack McEachern Lucas McLeod Merrill Mitchell J. H. Neal J. M. Neal Neilson Parks Pinson Ott Rutherford Sellers Simrill Skelton G. M. Smith J. E. Smith Thompson Sottile Stavrinakis Weeks Umphlett Vick Whipper Whitmire White Williams A. D. Young

Total--59

So, the Bill was rejected.

Rep. FORRESTER moved that the House do now adjourn, which was agreed to.

ADJOURNMENT

At 3:18 p.m. the House, in accordance with the motion of Rep. LIMEHOUSE, adjourned in memory of Milton Adams of Charleston, to meet at 10:00 a.m. tomorrow.

[HJ]

27

H. 304214	Н. 362716
Н. 306313	Н. 36413
Н. 306717, 18	H. 36423
Н. 308425	Н. 36433
Н. 312115	Н. 36447
Н. 317915	Н. 36454
H. 324714	Н. 36468
H. 327015, 20	Н. 36479
Н. 330313, 14	Н. 36485
Н. 337214	Н. 36495
Н. 341819	Н. 36506
Н. 350824	Н. 36516
H. 354014	Н. 36526
Н. 35602	Н. 36536
Н. 35613	Н. 36547
H. 356515	
Н. 356614	S. 4427
Н. 35812	S. 4737
Н. 360014	S. 50810
Н. 361616	S. 51411